



General Assembly

February Session, 2012

Raised Bill No. 443

LCO No. 2484

02484_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING ILLEGAL ELECTRONIC MONITORING.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2012*) (a) As used in this
2 section:

3 (1) "Electronic monitoring device" means an electronic or
4 mechanical device, including, but not limited to, a global positioning
5 system device, that permits a person to remotely determine or track
6 the position and movement of another person. "Electronic monitoring
7 device" includes, but is not limited to, a device in a cellular radio
8 telephone, as defined in section 53a-187 of the general statutes, that
9 permits a person to remotely determine or track the position and
10 movement of the person in possession of the cellular radio telephone;

11 (2) "Fleet vehicle" means (A) one or more motor vehicles owned by a
12 single person and operated by employees or agents of the person for
13 business or governmental purposes, (B) motor vehicles held for lease
14 or rental to the general public, or (C) motor vehicles held for sale by a
15 new motor vehicle dealer or used motor vehicle dealer licensed in
16 accordance with section 14-52 of the general statutes; and

17 (3) "Person" has the meaning provided in section 53a-3 of the
18 general statutes.

19 (b) A person is guilty of illegal electronic monitoring when such
20 person installs, places or uses an electronic monitoring device, or
21 causes an electronic monitoring device to be installed, placed or used,
22 to track the location of any person without the consent of the person.

23 (c) The provisions of this section shall not apply to the installation,
24 placement or use of an electronic monitoring device by:

25 (1) A law-enforcement officer, an employee of the Judicial
26 Department, Department of Correction or Department of Motor
27 Vehicles or an employee of any other state agency when such officer or
28 employee is engaged in the lawful performance of official duties and in
29 accordance with state or federal law;

30 (2) (A) The parent or guardian of a minor when tracking the minor,
31 or (B) any person having custody or control, or providing supervision
32 of a minor when tracking the minor to the extent authorized by the
33 parent or guardian of the minor;

34 (3) A guardian or conservator of a person when tracking the person
35 pursuant to specific authorization of the court that appointed the
36 guardian or conservator;

37 (4) The owner of fleet vehicles when tracking such vehicles; or

38 (5) A certified telecommunications provider to the extent that such
39 installation, placement or use is disclosed in the provider's written
40 terms of use, privacy policy or similar document made available to the
41 consumer.

42 (d) Illegal electronic monitoring is a class A misdemeanor.

<p>This act shall take effect as follows and shall amend the following sections:</p>
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Section 1	October 1, 2012	New section
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Statement of Purpose:

To establish criminal penalties for electronic monitoring of a person when such electronic monitoring is conducted without legal authorization or consent of the person.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]